

EXHIBIT C

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Wednesday, January 4, 2017

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LIBERTY POWER
C/O CORPORATE CREATIONS NETWORK
225 CEDAR HILL STREET #200
MARLBOROUGH, MA 01752 USA

**NOTICE OF ATTORNEY
REPRESENTATION**

DEMAND UNDER M.G.L. 93A

**DEMAND FOR RETENTION
OF EVIDENCE TO PREVENT
SPOILIATION**

In re: Samuel Katz, of 26 Potter Drive, Bellingham MA 02019, (508) 966-0240

To Whom it May Concern:

Please be advised that this office represents Samuel Katz in potential litigation against you. This letter is sent pursuant to M.G.L. c. 93A, M.G.L. c. 159C § 8, and the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. Section 227 *et seq.*

PURSUANT TO M.G.L. c. 93A SECTION 9(3), YOU ARE TO RESPOND TO THIS LETTER WITHIN THIRTY (30) DAYS FROM THE MAILING DATE. THE COURT WILL AWARD REASONABLE ATTORNEY'S FEES UNDER SECTION 9(4) IF THERE HAS BEEN A VIOLATION OF CHAPTER 93A, SECTION 2. THE COURT MAY ALSO AWARD TREBLE DAMAGES PURSUANT TO SECTION 9(4) IF YOUR VIOLATIONS OF CHAPTER 93A, SECTION 2 ARE WILFUL OR KNOWING, OR IF ITS REFUSAL TO GRANT RELIEF UPON DEMAND WAS MADE IN BAD FAITH WITH KNOWLEDGE OR REASON TO KNOW THAT THE ACTS OF PRACTICES COMPLAINED OF VIOLATED THE PROVISIONS OF CHAPTER 93A, SECTION 2.

Mr. Katz has been contacted by Liberty Power numerous times in a manner which violates the Telephone Consumer Protection Act, specifically he has received auto dialed calls to his cell phone (508) 966-0240 which has been on the Do Not Call registry since Mr. Katz got the number. These calls are in violation of 47 CFR § 64.1200 and, because of the auto-dialed nature of the calls not subject to multiple damages. Mr. Katz frequently answered the phone and received nothing but white noise on the other end. Other times he would answer and observe a lengthy delay before an agent would get on the line. All the calls were made in an effort to sell Mr. Katz electricity.

Calls to (508) 966-0240 from Liberty Power:

Calls from:	Caller ID:	Date:	Time:
5082021270	Framingham MA	9/8/2016	12:17
5082021270	(508) 202-1270	9/8/2016	12:23
5082021270	Framingham MA	9/8/2016	12:23
5082021270	Framingham MA	9/8/2016	12:23
5082021270	Framingham MA	9/8/2016	12:29
5082021270	Framingham MA	9/8/2016	12:35
5082021270	(508) 202-1270	9/8/2016	12:36
5082021270	(508) 202-1270	9/23/2016	15:42
5082021270	(508) 202-1270	9/27/2016	16:24
5082021270	Framingham MA	10/3/2016	13:27
9782521724	Ashburnham MA	7/28/2016	13:45
9782521724	(978) 252-1724	8/1/2016	15:23
9782521724	Ashburnham MA	8/1/2016	15:23
9782521724	(978) 252-1724	8/1/2016	15:23

Under the 47 U.S.C. Section 227(b)(3)(B), Mr. Katz is entitled to statutory damages under the TCPA of, at minimum, \$500.00 per phone call made. Since the above violations were willful and knowing violations as Mr. Katz is on the Do Not Call Registry, Mr. Katz is entitled to \$1,500.00 per phone call made pursuant to the 47 U.S.C. Section 227(b)(3). Because the phone calls were all made using an Auto-Dialing System with a pre-recorded voice, the violations are duplicative. Massachusetts law, M.G.L. c. 159C § 8, provides for \$5,000 and reasonable attorney's fees for such violations. In an effort to facilitate a speedy resolution to this matter, my client demands immediate payment in the amount of \$1,000 for each of the above phone calls, totaling **\$14,000** to settle this matter. Failure to meet this demand will result in efforts to collect the entire amount, reasonable attorney's fees, and any applicable multiple damages as allowed by Massachusetts law. Please forward a check to my address above made payable to my client, or feel free to contact me about executing a mutually agreeable release.

FINALLY, THIS LETTER SERVES AS A DEMAND TO RETAIN EVIDENCE TO PREVENT SPOILIATION with respect to any and all information in your agency's or employees' possession or control related to, concerning, or identifiable to the above listed account(s) for Mr. Katz. No materials, records, documents, tapes, or other things related to their accounts should be destroyed, deleted, changed, defaced, or otherwise altered, and all measures should be immediately taken to preserve these items as evidence.

Sincerely,



John L. Fink, Esq.